



July 5, 1999

Mr. Sealy Hutchings  
Office of Consumer Credit Commissioner  
2601 North Lamar Boulevard  
Austin, Texas 78705

OR99-1861

Dear Mr. Hutchings:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125519

The Office of Consumer Credit Commissioner (the "OCCC") received a request for information concerning pawn loans, payments on the loans and the interest rates charged by four stores in transactions with a specific individual. You state that you sought clarification of the request and obtained partial clarification. You submitted the requested information to this office and claim that it is excepted from disclosure under sections 552.112 and 552.101 of the Government Code.<sup>1</sup>

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. You contend that the requested information is confidential pursuant to section 371.206 of the Finance Code because of the method by which the OCCC obtained the requested information. Section 371.206 provides,

[i]nformation obtained during an examination or inspection authorized by this subchapter [subchapter E of chapter 371 of the Finance Code] is confidential and privileged except for use by the commissioner or in a criminal investigation or prosecution.

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<sup>1</sup>We note that you indicate that you do not have all of the requested information and that only part of the information is at issue.

Fin. Code § 371.206. Subchapter E of chapter 371 of the Finance Code authorizes examinations of pawnbrokers and inquiries into pawnbrokers' transactions and records by the consumer credit commissioner at his discretion. Fin. Code § 371.201. You represent that the documents at issue were obtained by the OCCC in the course of an investigation or examination. Therefore, we agree that the information at issue is protected from disclosure by section 552.101 in conjunction with section 371.206 of the Finance Code.

Having ruled on the information at issue under section 552.101 in conjunction with section 371.206 of the Finance Code, we need not address your other arguments against disclosure. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS\ch

Ref: ID# 125519

Encl: Submitted documents

cc: Ms. Annette S. Muecke  
5928 Broadway #155  
San Antonio, Texas 78209  
(w/o enclosures)